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10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 WILD HORSE EDUCATION, a non-profit
14 corporation; and LAURA LEIGH,
individually,

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF
18 INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
19 State Director of the Bureau of Land
20 Management,

21 Defendants.

CASE NO. 3:23-cv-00372

**DECLARATION OF MARIE
MILLIMAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER**

1 I, Marie Milliman, declare as follows:

- 2 1. From 1978-1983, I had multiple horse ranch related employment experiences. At Racing
3 Thoroughbred and Quarter Horses, I started colts and exercise rider for lay-ups. Then I was
4 an assistant breeding manager in charge of live cover/collection/AI, foaling, and care of
5 hundreds of mares, stallions, and foals.
- 6 2. From 1983-1985, I was a student.
- 7 3. From 1986 to 2022, I was the owner of Marie Milliman Insurance Agency, Inc.
- 8 4. I established a Farmers Insurance Agency and Insurance brokerage. As the sole owner of
9 my brokerage, I established a high level of quality standards to best serve my clients.
10 Contributing factors for my success in being awarded a Presidents Council membership
11 and developing one of the largest Farmers Insurance agencies in San Diego.
- 12 5. Throughout my 36 years as a business owner, I have applied and continuously strived to
13 improve my relationships with my clients, employees, and a variety of other professionals
14 to create trusted relationships that I can be proud of.
- 15 6. I am a lifelong horse owner. Having been involved as a full-time employee in a variety of
16 domestic horse occupations expanded my knowledge and skills in horse breeding, horse
17 handling, and general horse proficiency of which elevates my qualifications well beyond
18 the “average horse” enthusiast. Professionally I have been intensely interested in the legal
19 aspect of my insurance business and subsequently Public Lands Laws, and how to best
20 create the most favorable outcome for all parties involved.
- 21 7. I am the proud adopter two BLM Wild Horses.
- 22 8. I began volunteering for Wild Horse Education in January of 2017.
- 23 9. I joined Wild Horse Education (WHE) specifically to address issues of abuse against wild
24 horses and burros.
- 25
26

1 10. As a volunteer I have become educated on WH&B subjects including CAWP, BLM IM's,
2 Handbooks, CFR's, and Public Lands Laws. I have conducted range/wildlife data
3 collection, attended over 300 days of observation in a professional manner.

4 11. I became a member of the WHE CAWP team after my second roundup in 2017 due to the
5 conduct I witnessed and the need for reform of the BLM CAWP program.

6 12. I have provided testimony at the annual Motorized Vehicle Use Hearing with no reply,
7 review, or response since 2019.

8 13. I have provided comments to the bi-annual Advisory Board since 2019 as a WHE team
9 member.

10 14. I applied to be considered for the Resource Advisory Council of Northern California in
11 2022 for a position that has yet to be filled.

12 15. Since 2017, I have spent over 300 individual days during active helicopter drive trapping
13 (including prior operations in Antelope), temporary holding, releases, PZP treatments,
14 visited multiple HMA's and off-range corrals all in the States of CA, NV, WY, and UT.

15 16. My participation was instrumental in crafting the CAWP review form utilized by WHE at
16 trap.

17 17. I am the designated WHE team member for the south trap at the Antelope Complex.

18 18. I arrived on July 10th and attended the third day of operations until the present.

19 19. I submit written notes and complete video documentation to our team lead on return from
20 the field.

21 My documentation at the south trap and holding facility includes:

22 20. A mare driven during intense heat attempting to evade capture and then broke her neck on
23 the panels trying to flee.

24 21. Very young babies and exhausted adult horses being pushed into the trap.

1 22. As temperatures rose, the last run of the day resulted in a mare breaking her neck on the
2 panel attempting to flee warranters with whips and misjudging depth to panel causing her
3 to contact the panel with force.

4 23. BLM has blatantly ignored how temperature (extreme heat, or cold) has affected the
5 distance and pace that they “drive” the horses to the trap sites. BLM has abused their wide
6 berth that is included in CAWP of temperature as the sole guideline of conducting the daily
7 gather operation. BLM in general has only utilized their interpretations of their
8 anemometer and evaluations of the condition of the horses during the “drive” to the trap
9 site. BLM has blatantly ignored any other weather-related conditions such as: heat index,
10 wind chill, snow levels, time of day of the operations and the ability of the weakest animal
11 to keep the pace of the “drive” of the entire number of animals being driven to trap.
12

13 24. During operations when Wild Horse Education may communicate externally via email,
14 they publish our teams field information/reports including photos and videos that they
15 interpret as “adverse” to their public image. The BLM representatives (excluding PAO’s),
16 including the roundup contractor creates a shift in their treatment of me to aggressive and
17 confrontational.

18 25. I have been treated with disrespect and contempt. I have still maintained my conduct in an
19 attempt to relay my concerns for the horses’ and burros’ welfare in a professional manner.

20 26. Even when finding an orphan on the range on July 22nd, when we notified BLM, the
21 response was basically “we are not going to do anything because we think it is ‘ok’ to just
22 leave it there.”

23 27. I am committed to staying at this operation.

24 28. I remain committed to doing all that I can to stop these atrocities.

25 29. I have repeatedly offered input from my experienced/proven observation area perspective.
26

1 30. While the COR or IC is typically located at the trap site, they have a very different “view”
2 than I do.

3 31. I would appreciate the opportunity to collaborate with the IC, COR in order to improve the
4 welfare of the animals.

5 32. Frustration, empathy, and compassion are the key emotions that I experience as I observe
6 the operation due to the predictable present injuries and deaths, not including the
7 subsequent physical effects of the gather throughout the entire process of
8 trap/transportation to temporary holding/processing/shipping to ORC’s/processing at
9 ORC’s.

10 33. The lack of BLM personnel addressing the adverse treatment and handling actions of the
11 animals of which they are directly responsible for, and the roundup contractor’s blatant
12 treatment of the animals further harms the animals and my confidence that any suggestions
13 on my part will have any effect at all. This further adds to my despair and hopelessness that
14 the animal’s treatment has a low/nil possibility to improve.

15 34. It saddens me and causes me distress that the agency will not allow any serious discussions
16 to occur on how they execute roundup operations. They allow stakeholder meetings on
17 every single aspect of this program from adoptions to awarding partnership contracts for
18 fertility control. But they will not even sit down and have a single discussion with us in
19 any formal manner to address abuses.

20 My education and professional certifications and licenses are as follows:

21 35. In 1983, I became a State certified EMT (Emergency Medical Technician) at San Diego
22 Mira Mar College.

23 36. I completed CA State certified Firefighter/Prevention/Investigation classes from 1983-
24 1985.

1 37. In 1986, I got my State of California Property and Casualty/Accident and Health/Life
2 Insurance license.

3 38. In 1986, I got my State of California Property and Casualty/Accident and Health/Life
4 Insurance Brokers License.

5 39. In 2022, I got my State of California Variable Contracts License/Series 6 and 63 licenses
6 from the Financial Industry Regulatory Authority (FINRA).

7 40. From 2008-2009, I was educated in the Nutrient Requirements of Horses Plus and
8 Advanced.

9 DATED this 31st day of July, 2023.

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13 Marie Milliman
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